



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil Gas and Mining

JOHN R. BAZA
Division Director

Outgoing
c/015/0015

October 23, 2007

John A. Gefferth, Environmental Engineer
Consolidation Coal Company
P.O. Box 566
Sesser, Illinois 62884

Subject: Full Extraction Pillar Splitting, 60-Day Increment Conditional Approval for 15th West and Zero North, Consolidation Coal Company, Emery Deep Mine, C/015/0015, Task #2821, Outgoing File

Dear Mr. Gefferth:

A 60-day-increment conditional approval for the 15th West and Zero North was verbally approved on October 5, 2007 because the mine was facing shutdown if this action was not approved. Due to limited resources at the Division and Consol's time constraints, it was decided that a 60-day-increment approval rather than a 30-day would be given. This full extraction pillar splitting approval, as shown for the 60-day increment in the attached maps for the 15th West and Zero North, has the following conditions:

- 1) By October 26, 2007, Consol must submit the summary and analyses for the Probable Hydrologic Consequences. Consol did submit data and calculations relative to water availability issues on August 3, 2007. However, Consol did not adequately identify and summarize the potential impacts of mining on the hydrologic balance on the permit and adjacent area. This summary must be submitted by October 26, 2007 at the close of business.
- 2) By April 1, 2008, Consol must submit a comprehensive five-year mining plan (including all of the full extraction areas) with all of the requisite information. Since this conditional approval is the second "emergency" approval granted to the Emery Deep Mine in 2007, this condition is being added to try and avoid another future "emergency" and potential work stoppage in the future. It is also hoped that limited Division resources will be used more efficiently.
- 3) The pre-subsidence survey report contained in Appendix V-5 for the Zero North, 4th East and 6th West panels must be revised. Two sections of irrigation ditches have been identified that may be impacted by fully extracting the 6th West and Zero North panels. They are as follows:



Approximately 600-700 feet of irrigation ditch is identified on Figure 1 of Appendix V-5 on the western edge of the 6th West panel. The irrigation ditch is located on the John and Vickie Byars property. By October 26, 2007, the irrigation ditch should be numbered and identified on Figure 1 as well as described within the text of the report. In addition, the ditch should be surveyed in order to ascertain potential impacts to the ditch channel during full extraction.

Above the Zero North panel, 800 feet of irrigation ditch has also been identified on Figure 1 extending southwest from the northeast portion of the panel. By October 26, 2007, the irrigation ditch should be numbered and identified on Figure 1 and described within the text of the report.

4) By October 26, 2007 Consol must provide a reference in the MRP to the water rights that will be utilized as an alternative source of water in the event that the Emery backup Wells (#1 and #2) are adversely impacted by mining activity and the surface water supply (Muddy Creek) becomes inadequate. Per conversations with Emery Town representative Darrel Leamaster, the average culinary water usage for the town was 19.21 million gallons/year from 1989 through 2006. The water quality of the replacement water rights will be reviewed.

Background

The Division conditionally approved Full Extraction Pillar in the 14th West Panel on April 11, 2007 with 3 conditions (see attached April 11, 2007 letter). Condition #1 required Consolidation Coal Company to submit the entire 14th West full extraction plan by April 20, 2007. This submittal was later withdrawn on May 14, 2007 and resubmitted on May 17, 2007. It was subsequently approved June 5, 2007.

The two other conditions of the full extraction pillar splitting of the 14th West Panel were: #2) Submit an updated Probable Hydrologic Consequence (PHC) by July 2, 2007, and #3) Resubmit an application for the remainder of the three areas for full extraction (15th West, 4th East and 6th West) by July 2, 2007. On June 26, 2007, Consol requested an extension to August 3, 2007 for the PHC submittal and this was granted on June 28, 2007.

Unfortunately, the application for the remainder of the three areas was not submitted until August 3, 2007 along with the updated PHC submittal. And, when the remainder of the three areas were submitted it included yet another area (Zero North) for a total of four areas for full extraction.

Steve Christensen, Reclamation Hydrologist, worked diligently on this amendment. On September 25, 2007 a meeting was held with you and the review staff (see attached notes). It was agreed that you would submit the requisite information the first week of October 2007.

Page 3
John Gefferth
October 23, 2007

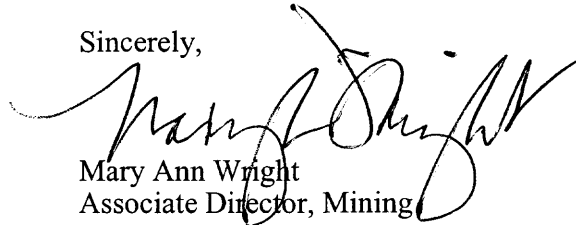
We received additional information from Consol on October 3, 2007. However, not all of the information was adequate as identified in an e-mail from Steve Christensen to you on that same date (see attached e-mail).

On October 4, 2007 it became apparent through telephone calls with you that the mine needed to move equipment to Zero North and 15th West or the mine would have to shut down.

Additional information relative to this amendment was received on October 3, 2007, October 12, 2007, and October 17, 2007 and is currently under review.

If you have any questions concerning this conditional approval, please call me at (801) 538-5306, or Pamela Grubaugh-Littig at (801) 538-5268.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Ann Wright", is written over the typed name and title.

Mary Ann Wright
Associate Director, Mining

an
Enclosures
cc: Marc Stilson, Water Right (w/o)
O:\015015.EME\FINAL\emery60dayconditionletter102307.doc



State of Utah

**Department of
Natural Resources**

MICHAEL R. STYLER
Executive Director

**Division of
Oil, Gas & Mining**

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

April 11, 2007

APR 16 2007

John A. Gefferth, Environmental Engineer
Consolidation Coal Company
P.O. Box 566
Sesser, Illinois 62884

Subject: Full Extraction Pillar Splitting - 14th West Panel - Conditional Approval,
Consolidation Coal Company, Emery Deep Mine, C/015/0015

Dear Mr. Gefferth:

The Division hereby approves full extraction pillar splitting as shown for the first 30-day increment in the attached map with the following conditions:

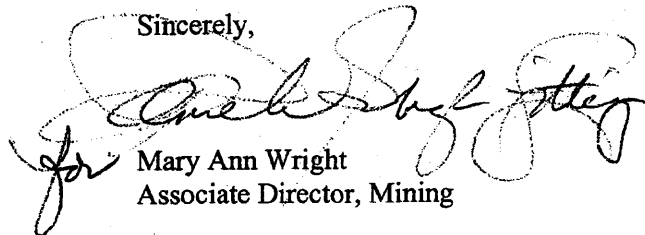
By April 20, 2007, Consol will submit the entire 14th West full extraction plan. This revised application will contain the required wildlife and vegetation information that is currently being finalized by Consol's consultant.

By July 2, 2007, (or another date as negotiated by the Division and Consol), Consol will submit an updated Probable Hydrologic Consequence (PHC). This PHC update will include but not be limited to updated potentiometric hydraulic surface maps and an analysis of the well data and the effects of previous mining on the ground water and the future effect of full extraction on the aquifer.

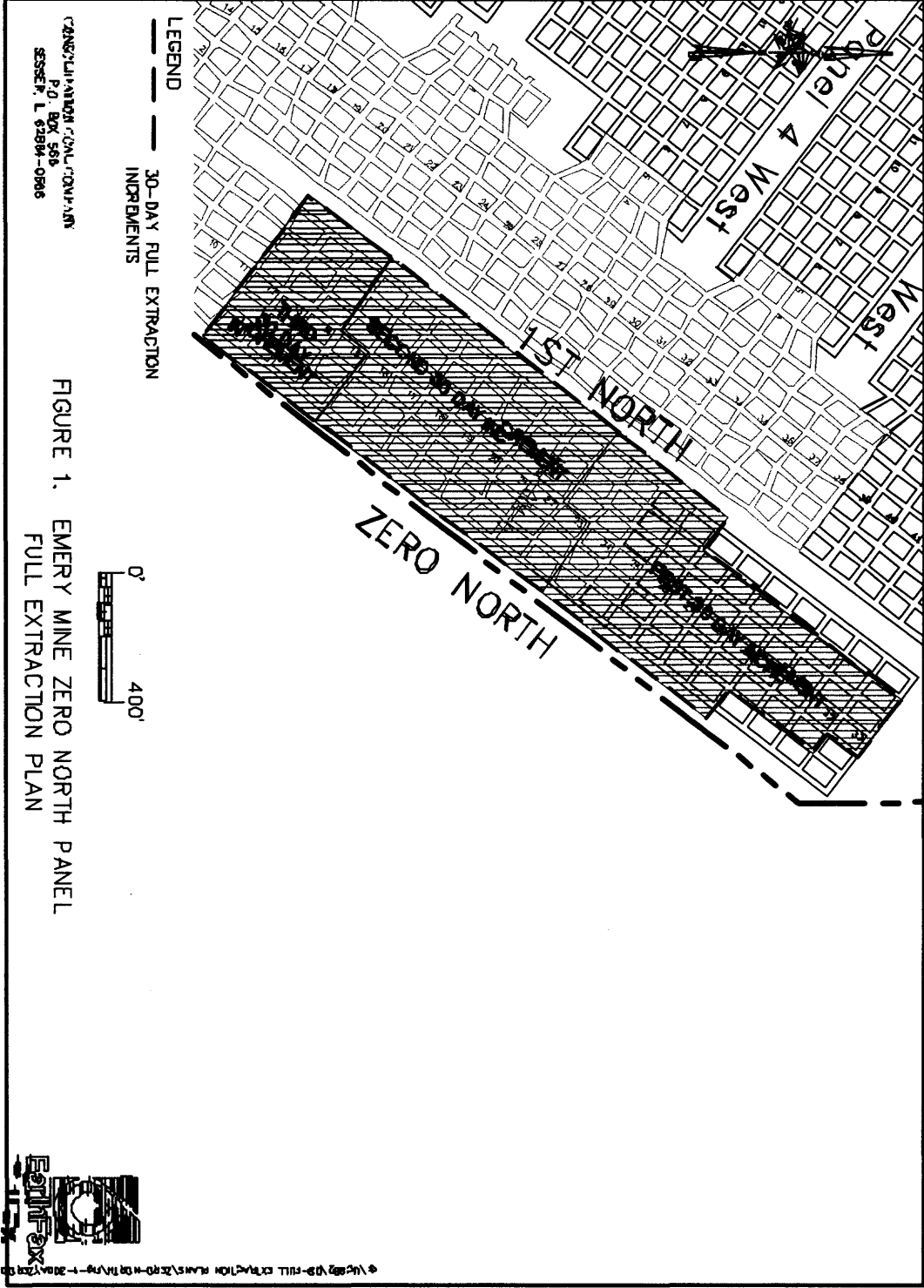
By July 2, 2007, Consol will resubmit an application for the remainder of the three areas for full extraction (15th West, 4th East, 6th West).

If you have any questions, please call Pamela Grubaugh-Littig at (801) 538-5268 or me at (801) 538-5306.

Sincerely,


for Mary Ann Wright
Associate Director, Mining

an
Enclosure (30-day Extraction Map for 14th West)
cc: Price Field Office
O:\015015.EME\FINAL\mawprovisionalapproval\April 11 2007.doc



LEGEND
30-DAY FULL EXTRACTION
INCREMENTS

0' 400'

FIGURE 1. EMERY MINE ZERO NORTH PANEL
FULL EXTRACTION PLAN



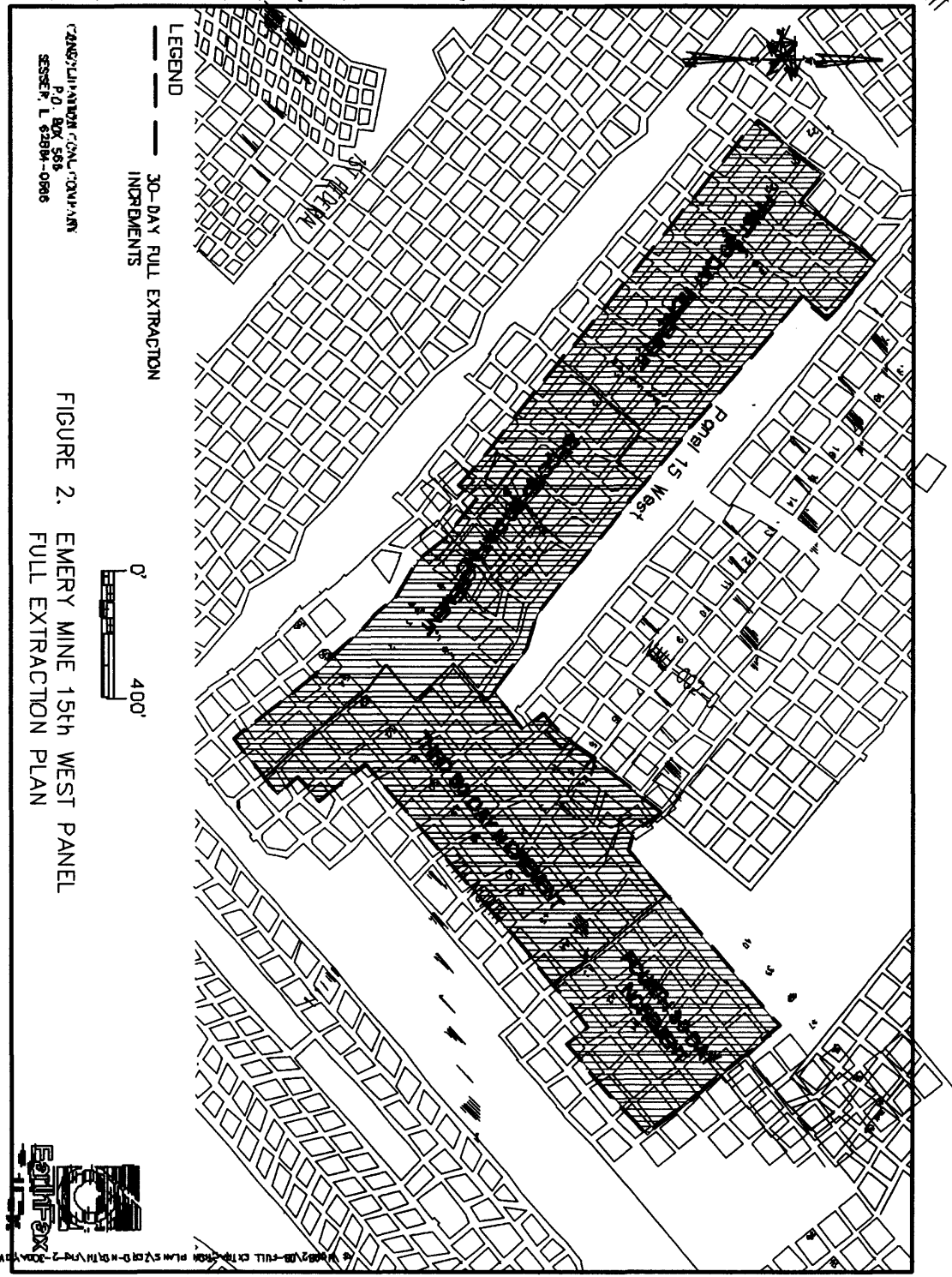


FIGURE 2. EMERY MINE 15th WEST PANEL
FULL EXTRACTION PLAN

EMERY MINE 15th WEST PANEL
P.O. BOX 568
SEASIDE, L. 62984-0868



EMERY MINE 15th WEST PANEL
P.O. BOX 568
SEASIDE, L. 62984-0868

Full extraction plan - 30-DAY FULL EXTRACTION
8/7/007 4:05 PM

3RD RIGHT

UTAH OGM COAL PROGRAM MEETING NOTES

Date: September 25, 2007
Time: 1:00 PM
Location: DNR-Salt Lake City

To: Internal File, Emery Deep Mine, C/015/0015, #2821

From: Steve Christensen

Attendees: John Gefferth, Consol
Priscilla Burton, DOGM
Steve Christensen, DOGM
Joe Helfrich, DOGM
Wayne Western, DOGM

Purpose: Discuss timing and information requirements for submittals/approval relative to full extraction amendment for the 15th West, 4th East, 6th West and 0 North Panels.

MEETING SUMMARY:

Mr. Gefferth provided an overview of current mining activities as well as Consol's future mining plans. It was determined that the conditional approval granted to Consol in May of 2007 was only for the 14th West panel. The 15th west panel was not included in that conditional approval. Mr. Gefferth indicated that by mid to late October, crews will be ready to begin extracting pillars in the 15th West and Zero North panel. The full extraction of the Zero North panel was not part of the submittal currently under review by the Division. Mr. Gefferth indicated that next week (October 1st-5th) he'd be submitting supplemental information relative to full extraction mining in the Zero North panel (See Action Items below).

It was discussed that the Zero North panel is located within the 1st North IBC area that was previously approved by the Division and that essentially there were two items of information missing: a pre-subsidence survey and an archaeological study. Mr. Gefferth indicated that a Level III archaeology study had been performed and that a pre-subsidence survey was currently underway. As mentioned previously, Mr. Gefferth will provide that information to the Division next week.

Subsidence impacts within the 14th West panel were discussed. According to Mr. Gefferth, the subsidence was less than originally predicted. According to previously submitted information, 5 feet of subsidence was predicted. According to data presented by Mr. Gefferth, the actual measured subsidence in the area of the 14th West panel is between 2-3 feet.

Joe Helfrich discussed deficiencies relative to Threatened and Endangered Species.

From: Steve Christensen
To: Pam Grubaugh-Littig
Date: 10/4/2007 8:56 AM
Subject: Emery Deep #2821: October 3rd Submittal

Internal
10/15/2007

Pam,

I did a quick inventory of what John Gefferth submitted on Wednesday. The transmittal letter states, "Enclosed please find three (3) copies of the submittal containing your staff's requested changes as redline strikeouts". Upon reviewing the submittal, there are a couple of items we asked for that weren't included and there are other items that we weren't provided 3 copies of.

I've cut and pasted the outstanding items (*italics/bold*) we identified at the meeting on September 25th below:

-An updated pre-subsidence survey for the 4th East, 6th West and Zero North panels as was previously required for the 14th West panel.

3 copies of a pre-subsidence survey for the Zero North panel were included in the submittal. However, there is not an updated pre-subsidence survey for the 4th East and 6th West panels. We had him update the pre-subsidence survey for the 14th West panel because they began full extraction. The same reasoning applies here. I'm not sure why he didn't provide them.

-As previously requested as part of the conditional approval for full extraction in the 14th West panel, the updated surface drainage maps.

The letter states, "These maps will be submitted by October 17th, 2007". As such, the updated drainage maps were not included in the submittal.

-As previously requested as part of the conditional approval for full extraction in the 14th West panel, a stand-alone water rights map based on meetings with the Division of Water Rights.

Three copies of the water rights map were provided.

-The Level III Archaeology Report for the Zero North Panel

We received one copy of the archaeology report. Again, the letter says that three copies were provided. Why we received one copy of this report, I don't know.

-Copies of the power line agreement and road agreement relative to the 15th West full extraction approval.

We received one copy of the power line and road agreement, not three.

-The monthly subsidence map/information for the month of August 2007 will be provided with the 15th West application. Included with the report will be elevational data obtained by Consol depicting subsidence levels in the area of the 14th West panel. Spring data for SP-10, SP-11 and SP-12 will be added to the subsidence reports. In addition, Priscilla Burton will be added to the routing list.

This information was not included with the submittal.

That's it. I'll be talking to John at some point today and can ask him about the discrepancies in numbers of copies and when the other requested items are coming in (besides the drainage maps-estimated arrival October 17th).

Thanks,
Steve